

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Michael N. HELMUS et al. Examiner: Desai, Anand U.

Serial No.: 10/781,932 Art Unit: 1653

Filed: February 20, 2004 Confirmation No.: 9710

For: **BIOMATERIALS FOR ENHANCED HEALING**

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**RESPONSE TO RESTRICTION REQUIREMENT
AND ELECTION OF SPECIES REQUIREMENT**

In the Office Action mailed May 18, 2006, the response to which is hereby requested to be extended to August 18, 2006, the Examiner requested that the Applicants elect one of the following:

- Invention I: Claims 1-37, drawn to a biomaterial comprising a bioactive polymer comprised of one peptide and/or protein subunit and one polysaccharide and/or proteoglycan subunit and a single biocompatible polymer, classified in class 514, subclass 2; and
- Invention II: Claims 1-37, drawn to a biomaterial comprising a bioactive polymer comprised of multiple peptides and/or protein subunits and multiple polysaccharide and/or proteoglycan subunits and multiple biocompatible polymers, classified in class 424, subclass 484.

The Applicant hereby elects, without traverse, Invention I, which corresponds to Claims 1-37.

The Examiner further requested that the Applicants elect a single disclosed species for prosecution on the merits. The Examiner stated that the application contained the following distinct species:

A peptide and/or protein subunit;

A polysaccharide and/or proteoglycan subunit; and

A biocompatible polymer.

The Applicants understand that the Examiner is requesting that the Applicants elect a single peptide and/or protein subunit; a single polysaccharide and/or proteoglycan subunit; and a single biocompatible polymer for prosecution on the merits. Accordingly, the Applicants hereby elect a YIGSR peptide as the peptide and/or protein subunit; Heparin as the polysaccharide and/or proteoglycan subunit; and polystyrene-isobutylene-polystyrene as the biocompatible polymer. The Applicants respectfully submit that at least claims 1, 2, 4, 5, 6, 7, 19, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 34, 35, 36, 37 as reading on the elected species.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

Dated: August 17, 2006

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